



EXPRESS MAIL LABEL NO.: ET 659201763 US

PATENT APPLICATION  
Docket No. 48231-01011

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Paul H. Lundeen	)	
		)	Art Unit: 3652
Application No.:	10/731,514	)	
		)	
Filed:	12/09/03	)	
		)	
For:	DEVICE FOR LOADING	)	
	MATERIAL INTO HAULING	)	
	VEHICLES	)	
		)	
Examiner:	Greenhut, Charles N.	)	

**AMENDMENT AND RESPONSE TO THE OFFICE COMMUNICATION  
DATED FEBRUARY 14, 2007**

MAIL STOP: AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Response to Office Communication

Applicant responds to the Office Communication dated February 14, 2007, as follows:

I. Claim Rejections – 35 U.S.C. §112

Applicant has cancelled Claim 13 and submitted new claims to the loading apparatus, and to the combination of the loading apparatus and the vehicle, and has resolved the Section 112 rejection.

II. Claim Rejections – 35 U.S.C. §102(b).

08/15/2007 HLE333 00000041 10731514

<del>01 FC:2252</del>	<del>510.00</del> OP
02 FC:2201	100.00 OP
03 FC:2202	525.00 OP

The Claims have been amended to overcome the rejections under SCHUTZ (US 2,271,444 A). SCHUTZ discloses a hauling vehicle with a deep loading bucket (19) having four side walls and a bottom or base member. The structure of the loading bucket (19), its use, and its operation are remarkably different from the present invention. The side wall of the bucket closest to the vehicle is not connected to the vehicle, and it forms an angle of 90 degrees with the base member. The bucket does not include a chute or slide attached to the back of the vehicle at a point proximate the top of the vehicle rims. On the contrary, the bucket is suspended by side arms attached to opposing bucket side walls. As noted in new independent Claims 15, 24 and 33, the loading apparatus includes a chute with a slide surface attached to the receiving member at one end, and at its opposite end the chute is connected pivotally to the rear support member of the vehicle proximate the lower edge of the storage area of the vehicle. The chute in the new independent claims is the vehicle end (26) identified in the specification and FIG. 2. As will be apparent, the chute is connected to the vehicle at the bottom of the storage area, proximate the top of the vehicle's tire rims; SCHUTZ lacks these elements such that the Section 102(b) rejection does not lie.

### III. Claim Rejections—35 U.S.C. § 103

In SCHUTZ, the loading bucket (19) is suspended and supported by two long side arms (20) that are connected to the bucket (19) at pivots (37) located approximately halfway up two side walls of the bucket, such that the bucket is suspended from the side arms in an upright position. The side arms (20) suspend the bucket at a position spaced away from the vehicle. When the bucket (19) is elevated by the side arms, and because of the pivots (37), it does not tilt to dispose of the refuse within it, but instead remains

upright. What causes the loading bucket (19) to tilt are the pins (40) on the top outer side of the bucket's side wall facing the vehicle, which catch the hooks (41) on the hauling vehicle, stopping the upward movement of the vehicle side wall of the bucket, causing the bottom or base of the bucket to be tipped upside down as the side arms (20) continue to raise the bottom of the bucket upward. Once the bucket is tipped upside down, its contents are dumped into the upper part of the hauling vehicle, as shown in FIG. 2.

As seen in the added Claims, the chute is connected to the hauling vehicle and, when the receiving member is elevated upwards by the operation means, refuse material deposited on the loading area slides down the chute into the bottom of the storage area of the vehicle. The receiving member, the connection of the chute to the vehicle, and the angle between the receiving member and the chute together result in a very different structure and operation from the loading bucket in SCHUTZ, and there is no teaching or suggestion in SCHUTZ of a receiving member, chute connected to the vehicle in the position found in the present invention .

MICHALSKI teaches a flexible tarp as its receiving member, which is unrolled from the side of the hauling vehicle and is draped over the ground, assuming the shape of the ground surface. Once material is deposited on the tarp, the tarp is then pulled up from its outer edge, and the tarp folds over and envelopes the deposited material. There is absolutely no teaching in MICHALSKI of a planar receiving member that is connected to a chute. On the contrary, the tarp of MICHALSKI has no structure whatsoever, is entirely flexible, and folds completely over to envelop the refuse material. The tarp is then rolled or wound onto a roller. Indeed, the operation of the tarp in MICHALSKI is

completely contrary to a planar receiving member structure, which would be incapable of rolling or winding upon a roller.

The Examiner suggests that the teachings of HENDRICKSON and MICHALSKI can be combined with SCHUTZ. Upon consideration, it is obvious that these teachings would not be reasonably combined. HENDRICKSON teaches a frame with canvas stretched upon it for loading a refuse bag. The frame structure of HENDRICKSON would be incapable of rolling and winding over the roller of MICHALSKI—it would cause the roller of MICHALSKI to malfunction. Neither HENDRICKSON nor MICHALSKI teach or even suggest a way that the frame structure of HENDRICKSON could be combined with the roller operation means of MICHALSKI. Further, HENDRICKSON does not teach or even suggest the use of its frame structure with a hauling vehicle. Further, there is no suggestion of a means for deploying the frame and canvas chute in a deployed position above the ground surface for deposit of material thereon. HENDRICKSON does not have a structure that would serve as the chute of the present invention attached to a vehicle; it also does not have an operation means for elevating the receiving member.

VON DER HEIDE is similarly inapposite. The loading area of the present apparatus does not include a scoop or ramp or a fork with a smooth edge, to facilitate the loading of a wheeled vehicle, a bale of hay or fodder, or leaves. In fact, the present apparatus is not structured to provide a smooth angled surface or fork structure for sweeping, rolling, scooping or sliding of material objects from the ground surface onto the loading end. VON DER HEIDE discloses a loading platform that is in contact with

the ground and includes a ramp or slide that is angled towards the ground and smooth to facilitate loading by rolling, sliding or sweeping onto the loading platform.

With all respect, the cited references do not suggest or teach the elements of the new independent claims 15, 24 and 33. The new dependent claims depend from allowable independent claims and therefore also are allowable.

Applicant respectfully requests that the claims as amended be allowed.

A listing of claims with the referenced amendments follows: